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Federal Agencies

January 29, 2004

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Art Unit 1654

Re: U.S. Utility Patent Application  
Appl. No. 09/606,314; Filed: June 29, 2000  
For: **Dry Powder Cells and Cell Culture Reagents and Methods of Production Thereof**  
Inventors: Fike *et al.*  
Our Ref: 0942.4290005/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Third Supplemental Information Disclosure Statement;
3. Listing of the cited document on Form PTO-1449 (1 sheet);
4. A copy of the cited document on Form PTO-1449;
5. Form PTO-2038 Credit Card Payment Form in the amount of **\$180.00** to cover the IDS fee; and
6. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are

Commissioner for Patents  
January 29, 2004  
Page 2

necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham  
Attorney for Applicants  
Registration No. 50,437

FRC/pcd  
Enclosures

::ODMA\MHODMA\SKGF\_DC1;223373;1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL  
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** **180.00****METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  Other\*\*  None  
 \*\* Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

Deposit Account  
 Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.

**The Commissioner is authorized to: (check all that apply)**

Charge fee(s) indicated below  Credit any over payments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE****Large Entity Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** \_\_\_\_\_**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra	Fee from below	Fee Paid
Total Claims	- 20**	= _____ X _____ = _____
Indep. Claims	- 3**	= _____ X _____ = _____
Multiple Dependent		= _____

Large Entity	Small Entity	Fee Description		
Fee Code	Fee (\$)	Fee Code		
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** \_\_\_\_\_

\*\*or number previously paid, if greater; For Reissue, see above

**SUBMITTED BY**

Name (Print/Type)	Frank R. Cottingham	Registration No. (Attorney/Agent)	50,437	Telephone	202-371-2600
Signature				Date	JAN. 29, 2004

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

SKGF Rev. 10/20/03 svb



In re application of:

Fike *et al.*  
Appl. No. 09/606,314

Filed: June 29, 2000

For: **Dry Powder Cells and Cell  
Culture Reagents and Methods  
of Production Thereof**

Confirmation No. 1340

Art Unit: 1654

Examiner: Flood, M.

Atty. Docket: 0942.4290005/RWE/FRC

### **Third Supplemental Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of the document is provided.

The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed December 29, 2003, in connection with the above-captioned application.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Third Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection, but before payment of the Issue Fee. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

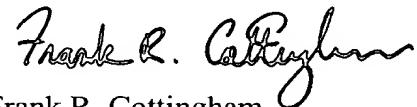
Document **AR13**, submitted herewith, is an unverified English language translation of Japanese Patent Application Publication No. JP 2-57175, which was submitted to the USPTO as document AO4 in the Second Supplemental Information Disclosure Statement filed on December 29, 2003. The English language translation was obtained by the undersigned subsequent to the filing of the Second Supplemental Information Disclosure Statement. In accordance with 37 C.F.R. § 1.97(e)(2), I hereby state that no item of information in this Third Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the document has been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham  
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Date: JAN. 29, 2004

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FORM PTO-1449

JAN 29 2004

THIRD SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.  
0942.4290005/RWE/FRCAPPLICATION NO.  
09/606,314FIRST NAMED INVENTOR  
Fike et al.FILING DATE  
June 29, 2000ART UNIT  
1654

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	13	Unverified English Translation of Japanese Patent Application Publication No. JP 2-57175 (Document AO4)
	AS		
	AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.